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RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

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7 Attorneys for Plaintiff

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9 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 NATURAL SELECTION FOODS,
LLC d/b/a EARTHBOUND FARM, a
California limited liability company,

12 Plaintiff,

13 vs.

14 FURY, INC. D/B/A CITY PRODUCE,
15 a California corporation, and
16 ROBERT GARSHA, an individual,

17 Defendants.

Case No.:

07 02886 RS

CERTIFICATION OF
INTERESTED ENTITIES OR
PERSONS

18 Pursuant to Civil L.R. 3-16, the undersigned certifies that the
19 following listed persons, associations of persons, firms, partnerships,
20 corporations (including parent corporations) or other entities (i) have a
21 financial interest in the subject matter in controversy or in a party to the
22 proceeding, or (ii) have a non-financial interest in that subject matter or in
23 a party that could be substantially affected by the outcome of this
24 proceeding:

25 **A. Plaintiff Natural Selection Foods, LLC d/b/a Earthbound Farm:**

26 Plaintiff initiated this action, seeking the following relief:

- 27 1. Order declaring that it is a PACA trust beneficiary of Fury, Inc.
28 d/b/a City Produce ("City Produce") with a valid PACA trust
claim in the aggregate amount of \$29,419.44, plus interest from

1 the date each invoice became past due, costs and attorneys'
2 fees;

- 3 2. Order directing City Produce to immediately turn over to the
4 Plaintiff, as a beneficiary of this trust, an amount of the PACA
5 Trust Assets equal to the sum of \$29,419.44, plus interest from
6 the date each invoice became due, costs and attorneys' fees;
- 7 3. Order creating a common fund from which all PACA trust
8 beneficiaries may be paid by directing City Produce to
9 maintain PACA Trust Assets equal to the sum of \$29,419.44,
10 plus the claims of all other unpaid suppliers of produce that
11 properly preserved their PACA Trust claims, directing City
12 Produce to replenish the PACA trust to a level sufficient to
13 satisfy all qualified PACA trust claims, and enjoining City
14 Produce from dissipating PACA Trust Assets;
- 15 4. Order directing City Produce to immediately pay Plaintiff the
16 sum of \$29,419.44, plus interest from the date each invoice
17 became past due, costs and attorneys' fees; and
- 18 5. Order entering judgment in favor of Plaintiff and against City
19 Produce in the amount of \$29,419.44, plus interest from the
20 date each invoice became past due, costs and attorneys' fees.
- 21 6. Order entering judgment in favor of Plaintiff and against
22 Robert Garsha in the amount of \$29,419.44, plus interest from
23 the date each invoice became past due, costs and attorneys'
24 fees, less any monies Plaintiff receives from the PACA Trust
25 Assets.
- 26 7. Order requiring Robert Garsha to disgorge and transfer any
27 and all PACA Trust Assets that came into their possession and
28 control to Plaintiff in the amount of \$29,419.44, plus interest

1 from the date each invoice became past due, costs, attorneys'
2 fees, and punitive damages to be determined by the trier of
3 fact, less any monies Plaintiff receives from the PACA Trust
4 Assets.

5 **B. Defendant Fury, Inc. d/b/a City Produce:**

6 Fury, Inc. d/b/a City Produce is a corporate Defendant against
7 whom Plaintiff seeks recovery in the cumulative amount of at least
8 \$29,419.44.

9 **C. Robert Garsha**

10 Robert Garsha is an individual Defendant against whom Plaintiff
11 seeks recovery in the cumulative amount of at least \$29,419.44.

12 Respectfully submitted on this 31st day of May, 2007.

13 **MEUERS LAW FIRM, P.L.**

14 By: 

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